

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HARRY H. WILLIAMS III AND PAULA  
WILLIAMS, husband and wife, individually  
and the marital community comprised  
thereof,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:22-cv-05640-JCC

JOINT STIPULATION AND  
[proposed] ORDER EXTENDING  
DEADLINES

Noted for Consideration: Today

COMES NOW Plaintiffs, by and through their counsel, Vernon W. Harkins, Daniel R. Kyler, and Benjamin T. Zielinski, and Defendant, by and through its counsel, Tessa M. Gorman, Acting United States Attorney for the Western District of Washington, and Kristin B. Johnson, Assistant United States Attorney for said District, pursuant to this Court's Civil Trial Scheduling Order (Dkt. 9), and LCR 7(j) and 16(b)(6), and hereby jointly stipulate and request that the Court continue the case scheduling deadlines in this case an additional six months.

WHEREAS the parties have been diligently working toward completing discovery in this matter but need additional time to collect all of Plaintiffs' medical records, provide them to their experts for review, schedule Rule 35 examinations as necessary, complete numerous expert and

1 fact witness discovery depositions, and arrange for Rule 34 inspections at an out-of-state National  
2 Guard facility.

3 WHEREAS Plaintiff Harry Williams sustained extensive injuries following the  
4 motorcycle accident at issue in this case and has seen numerous medical providers. Mr. Williams  
5 provided releases for the United States to collect these records and the United States has been  
6 working diligently to obtain records from over 20 providers, as well as the State of Washington,  
7 the Social Security Administration, and King County. Having a complete set of records for the  
8 parties' experts to work from to complete their Rule 26 and Rule 35 obligations is essential.

9 WHEREAS now that most of the records have been collected, the parties are working  
10 collaboratively to schedule Mr. Williams for Rule 35 independent medical examinations with the  
11 United States' experts, followed by scheduling depositions of numerous fact and expert  
12 witnesses. Plaintiffs have identified 6 potential expert witnesses and the United States has  
13 retained 4 expert witnesses. The parties have also identified several fact witnesses involved in  
14 the military training exercises that caused the fire, the individuals involved in the fire suppression,  
15 and the people involved in the ensuing accident, and will work together to schedule these  
16 depositions.

17 WHEREAS the United States is also currently working to facilitate Rule 34 inspections  
18 at military facilities located in Hermiston, Oregon.

19 WHEREAS the parties agree that they need additional time to complete the remaining  
20 discovery outlined above and propose the following schedule:

21 Bench Trial: September 2024.

22 Expert witness reports: March 1, 2024

23 Rebuttal reports: April 1, 2024

24 Discovery cutoff: May 1, 2024

25 Dispositive motions: June 1, 2024

1 NOW THEREFORE, the parties, through their respective counsel of record, do hereby  
2 jointly stipulate and agree, and respectfully request, that the Court make and enter the following  
3 order:

4 The Civil Trial Scheduling Order is amended to include the following deadlines:

5 Bench Trial: September 2024.

6 Expert witness reports: March 1, 2024

7 Rebuttal reports: April 1, 2024

8 Discovery cutoff: May 1, 2024

9 Dispositive motions: June 1, 2024

10  
11 SO STIPULATED.

12 DATED this 25th day of August, 2023.

13  
14 TESSA M. GORMAN  
15 Acting United States Attorney

16 /s Kristin B. Johnson  
17 KRISTIN B. JOHNSON WSBA #28189  
18 Assistant United States Attorney  
19 700 Stewart Street, Suite 5220  
20 Seattle, WA 98101-1271  
21 Telephone No. (206) 553-7970  
22 Fax No. (206) 553-4073  
23 E-mail kristin.b.johnson@usdoj.gov  
24 Attorney for the United States

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27 //

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1 SO STIPULATED.

2 DATED this 25th day of August, 2023.

3 RUSH, HANNULA, HARKINS KYLER, P.L.L.C.

4 By: s/Daniel R. Kyler

5 By: s/Vernon W. Harkins

6 By: s/Benjamin T. Zielinski

7 Daniel R. Kyler, WSBA #12905

8 Vernon W. Harkins, WSBA #6689

9 Benjamin T. Zielinski, WSBA #43670

10 Rush, Hannula, Harkins & Kyler, P.L.L.C.

11 4701 South 19<sup>th</sup> Street, Suite 300

12 Tacoma, WA 98405

13 Phone: (253)383-5388

14 Fax: (253)272-5105

15 Email: [dkyler@rhhk.com](mailto:dkyler@rhhk.com)

16 [vharkins@rhhk.com](mailto:vharkins@rhhk.com)

17 [bzielinski@rhhk.com](mailto:bzielinski@rhhk.com)

18 Attorneys for Plaintiffs

19 **ORDER**

20 **In addition, the trial date is reset to September 9, 2024.**

21 IT IS SO ORDERED.

22 DATED this 28th day of August 2024.

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24 John C. Coughenour  
25 UNITED STATES DISTRICT JUDGE  
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